

No. 25-1340

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UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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FAIR ISAAC CORPORATION  
*Plaintiff/Appellant,*

v.

FEDERAL INSURANCE COMPANY  
AND ACE AMERICAN INSURANCE COMPANY  
*Defendants/Appellees.*

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Appeal from the U.S. District Court for the  
District of Minnesota, No. 16-cv-1054  
(Hon. Magistrate Judge David T. Schultz)

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PLAINTIFF-APPELLANT FICO'S MOTION TO FILE  
OPENING BRIEF AND APPENDIX VOLUME II UNDER SEAL

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**RECEIVED**

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**FILED**

MAY 16 2025

U.S. COURT OF APPEALS  
EIGHTH CIRCUIT

MAY 16 2025

U.S. Court of Appeals  
Eighth Circuit

Pursuant to Eighth Circuit Local Rule 25A(h), Plaintiff-Appellant Fair Isaac Corporation (“FICO”) moves to file its Opening Brief and Appendix Volume II under seal. FICO’s Opening Brief and Appendix Volume II contain confidential and proprietary business information necessary to this Court’s resolution of the issues on appeal. The district court entered an order maintaining the same information under seal in the proceedings below, *see* R. Doc. 1323 (keeping R. Docs. 1298 and 1301-1 under seal), and otherwise permitted FICO to redact this information, *see* R. Doc. 1260, Exs. 17–22 (business information redacted from trial exhibits), to protect FICO’s sensitive business data.

This Court has previously granted motions to seal materials that remain under seal in the lower court so that the parties may comply with “their broad confidentiality stipulation and order.” *Rakes v. Life Inv’rs Ins. Co. of Am.*, 582 F.3d 886, 892 n.6 (8th Cir. 2009); *Tension Envelope Corp. v. JBM Envelope Co.*, 876 F.3d 1112, 1116 (8th Cir. 2017) (appellate appendix was sealed when a “number of filings in the district court [were] sealed as well”). FICO therefore requests that the Opening Brief and Appendix Volume II remain sealed on appeal. FICO has filed a public version of the Opening Brief containing redactions of

the confidential and proprietary business information that remain under seal in the district court.

FICO believes that this motion to seal can be made publicly available on PACER. *See* Cir. R. 25A(h).

Respectfully submitted,

May 15, 2025

s/ Robert N. Hochman

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## CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 239 words.

This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14-point Century Schoolbook font.

Date: May 15, 2025

/s/ Robert N. Hochman

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## CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2025, I filed an original copy of the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit via Federal Express, as provided in Eighth Circuit Rule 25A(h). I further certify that counsel of record for Appellees have waived paper service, and have been served this motion via email.

Date: May 15, 2025

/s/ Robert N. Hochman